

REMARKS

Applicant submits this Amendment in response to the Office Action mailed on March 4, 2010.

In the Office Action, the Examiner rejected claims 60-62, 64, 66-68, and 83-90 under 35 U.S.C. § 102(b) as allegedly being anticipated by Bailey et al., *The Journal of Thoracic Surgery*, Vol. 28, No. 6 (December 1954), pp. 551-503.

By this Amendment, Applicant amends claims 60-62, 64, 66-68, and 83-90. Claims 60-62, 64, 66-68, and 83-90 remain currently pending. Of these claims, claims 83, 85, and 87 independent.

As an initial matter, Applicant respectfully notes that the amendments to claims 60-62, 64, 66-68, and 83-90 are fully supported by the originally-filed disclosure. Support for the claim amendments may be found in, for example, Figs. 4, 9, 11, 13, 17, and 21, and the corresponding written description. Furthermore, Applicant notes that each of claims 60-62, 64, 66-68, and 83-90, as amended, is “readable” on the previously elected species, i.e., Species Ie, IIc, and IIIc (Figs. 9, 17, and 21, collectively). See Amendment and Response to Restriction and Election of Species Requirements filed on January 22, 2003.

Applicant respectfully traverses the Section 102(b) rejection of claims 60-62, 64, 66-68, and 83-90 over Bailey et al.

Independent claims 83, 85, and 87 are each drawn to a method of treating an in situ mitral valve. The claim 83 method includes, among other things, “securing a device to the in situ mitral valve, the device including a ring-like member and first and second elongate members extending therefrom [and] securing the first elongate member to a first heart structure of a left ventricle.” The claim 85 method includes, among other

things, “securing a ring to the in situ mitral valve[,] extending an elongate member from the ring to a heart structure within a left ventricle[,] and disposing a distal portion of the elongate member in direct contact with a papillary muscle of the left ventricle.” The claim 87 method includes, among other things, “sewing a ring to an atrial side of the in situ mitral valve [and] extending a first elongate member from the ring to a first anchor point, wherein the first anchor point includes a first papillary muscle.”

In formulating the rejection over Bailey et al., the Examiner appears to rely on Figures 33 and 34 of Bailey et al. See Office Action at page 2. Figures 33A-F disclose securing a pericardial strip between the leaflets of a mitral valve and an atrial appendage. See, e.g., Fig. 33F. Figures 34A-F disclose securing a strip of pericardial material between a mitral valve cusp and a ventricular wall. See, also, p. 567.

Bailey et al., however, fails to disclose, teach, or otherwise suggest “securing a device to the in situ mitral valve, the device including a ring-like member and first and second elongate members extending therefrom [and] securing the first elongate member to a first heart structure of a left ventricle,” as required by claim 83; “securing a ring to the in situ mitral valve[,] extending an elongate member from the ring to a heart structure within a left ventricle[,] and disposing a distal portion of the elongate member in direct contact with a papillary muscle of the left ventricle,” as required by claim 85; and “sewing a ring to an atrial side of the in situ mitral valve [and] extending a first elongate member from the ring to a first anchor point, wherein the first anchor point includes a first papillary muscle,” as required by claim 87. Accordingly, Bailey et al. fails to disclose, teach, or otherwise suggest each and every limitation of independent claims 83, 85, and 87.

Dependent claims 60-62, 64, 66-68, 84, 86, and 88-90 depend from one of independent claims 83, 85, and 87, and are patentable for at least the same reasons as these base claims, as well as for their additionally recited features.

For at least these reasons, Applicant respectfully requests the reconsideration and withdrawal of the Section 102(b) rejection of claims 60-62, 64, 66-68, and 83-90 over Bailey et al.

Should the Examiner wish to discuss this Amendment, or have any questions or concerns, he is invited to telephone the undersigned at (202) 408-4221.

The Office Action contains characterizations of the claims and the related art with which Applicant does not necessarily agree. Unless expressly noted otherwise, Applicant declines to subscribe to any statement or characterization in the Office Action.

In discussing the specification, claims, and/or drawings in this Amendment, it is to be understood that Applicant is in no way intending to limit the scope of the claims to an exemplary embodiment described in the specification, abstract, and/or shown in the drawings. Rather, Applicant is entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of the application, and the timely allowance of the pending claims.

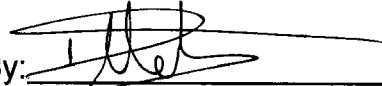
Please grant any extensions of time required to enter this Amendment and
charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

Dated: July 6, 2010

By:



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